

FINAL STATEMENT OF REASONS

- a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 30-702 and Title

Specific Purpose/Factual Basis:

Section 30-702 and Title are being adopted to implement new Quality Assurance (QA)/Quality Improvement (QI) monitoring requirements for the In-Home Supportive Services (IHSS) program, and to meet the “clarity” standard of the Administrative Procedure Act, Government Code Section 11349(c) and to meet the requirements for style in Government Code Section 11343.1.

Sections 30-702.1 et seq.

Specific Purpose:

Section 30-702.1 is being adopted to specify the requirements for counties to establish a QA/QI function and to identify the core activities which must be performed.

Section 30-702.11 is being adopted to specify the requirement for counties to develop and review their policies, instructions, and timelines for implementing QA/QI programs.

Section 30-702.12 et seq. is being adopted to specify the requirements for county QA/QI activities. This section specifies the county must have a standardized process with regularly scheduled reviews; the case sample must include cases from all district offices and all workers involved in the needs assessment process; the county must utilize both desk and home-visit reviews; and the county must review, verify, and discuss the specific program items identified. The section also instructs the county to submit a written proposal to CDSS when county staff is unable to complete case reviews. CDSS is to determine if the proposal is acceptable.

Sections 30-702.13 and 30-702.131 et seq. are being adopted to specify the requirement for counties to develop procedures for reporting findings from QA/QI reviews and for identifying and correcting any deficiencies. This section identifies the core elements which must be included in the procedures, such as established time frames and a process for addressing any immediate actions necessary and that systemic problems are identified and corrected.

Sections 30-702.14 and 30-702.141 are being adopted to specify the requirement for counties to review and respond appropriately to data match information provided from agencies that provide services to recipients and to ensure confidentiality requirements are not violated in performing this activity.

Section 30-702.15 is being adopted to ensure that counties include procedures in the quality assurance process that are specific to preventing and detecting fraud.

Section 30-702.16 is being adopted to instruct counties to conduct the appropriate follow-up if fraud is suspected and to seek collection of overpayments, as appropriate.

Section 30-702.17 et seq. is being adopted to specify that counties identify and refer clients to any potential third-party liability sources that can meet the needs, and to give examples of potential third-party liability sources.

Section 30-702.18 is being adopted to specify the requirement for counties to conduct joint case reviews with State quality assurance staff.

Section 30-702.19 et seq. is being adopted to specify that counties must plan and perform targeted QA/QI studies utilizing pertinent data systems and to identify data sources. The section also requires counties to complete a Quarterly Report on the SOC 824 Form regarding their QA/QI activities fifteen days after the end of the report Quarter.

Factual Basis:

The adoption of Sections 30-702.1 et seq. are necessary to implement and make specific the terms of Welfare and Institutions Code Section 12305.71, enacted by SB 1104 (Chapter 229, Statutes of 2004), which requires counties to establish a specialized unit or function to perform certain core quality assurance activities, including joint case reviews with State QA staff. The SOC 824 Form is necessary to provide counties with a form to document the quality assurance activities as set forth in Welfare and Institutions Code Section 12305.71.

Final Modification

The two references found in Section 30-702.123 have been changed from 30-701.122 to 30-702.122. This change is necessary to clarify the correct reference for the reader because 30-701.122 does not exist. This modification does not constitute a substantive change because it does not provide additional requirements.

Section 30-701.2 et seq.

Specific Purpose:

Sections 30-702.2 et seq. is being adopted to specify that counties submit an annual plan for Quality Assurance/Quality Improvement (QA/QI), the due date of the plan, and the identifying information the plan must include.

Factual Basis:

This adoption is necessary to ensure that counties are correcting systemic problems identified through the quality assurance monitoring process as contemplated by Welfare and Institutions Code Section 12305.71, enacted by SB 1104 (Chapter 229, Statutes of 2004).

Section 30-760.13

Specific Purpose:

This section is being amended to add cooperation with quality assurance and fraud activities to the recipient's list of responsibilities and for clarity and consistency with newly established quality assurance monitoring regulations.

Factual Basis:

The amendment is necessary to comply with the terms of Welfare and Institutions Code Section 12305.71, enacted by SB 1104 (Chapter 229, Statutes of 2004) which requires quality assurance monitoring and whose purpose could be frustrated by recipient noncooperation.

Section 30-760.13 through .16 (Renumbered)

Specific Purpose/Factual Basis:

The purpose is the renumber of existing Sections 30-760.13 through 30-760.16. Renumbering these sections is necessary to maintain a consistent numerical sequence due to the adoption of new Section 30-760.13.

b) Identification of Documents Upon Which the Department Is Relying

Senate Bill (SB) 1104, Chapter 229, Statutes of 2004

c) Local Mandate Statement

These regulations do impose a mandate upon local agencies, but not on school districts. However, the regulations do not impose costs on local agencies that are reimbursable pursuant to Government Code Section 17500 et seq. in that the costs, if any, are costs mandated by the federal government within the meaning of Government Code Section 17513.

d) Statement of Alternatives Considered

CDSS has determined that no reasonable alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

e) Significant Adverse Economic Impact On Business

CDSS has determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

f) Testimony and Response

These regulations were considered at the Department's public hearing held on May 17, 2006. There was no oral testimony presented. Written testimony was received from Charlene Locke, Community Program Specialist II, Department of Developmental Services (DDS), and Herb Meyer, Chair, IHSS Public Authority of Marin (IHSS-PAM).

Section 30-702.125(a)(3)(C)

1. Comment:

“30-702.125 The review process shall be a standardized process, including standard forms for completing desk reviews of cases and for completing home visits.

(a) The desk reviews must include:

(3) A process to verify:

(C)The need for each service and hours authorized is documented.

Comment: Wording should include ‘the need for an exception to the hourly task guideline is documented’.” (DDS)

Response:

CDSS thanks the testifier for the comments for consideration.

CDSS does not agree with testifier’s comment to add language which specifically requires that the county process must verify documentation of the need for an exception to the hourly task guidelines. The current language in MPP Section 30-702.125(a)(3)(C), specifying that the review process shall verify that “the need for each service and hours is documented” covers all documentation needed for services authorized and, therefore, already includes the requirement to verify that documentation of the reasons for granting service time exceptions is contained in the case file. To add language to single out one type of documentation as testifier suggests, may actually make the purpose of the regulation less clear. For these reasons no changes to the proposed regulations were made as a result of this testimony.

General Comment

2. Comment:

“Background Information.

A Consumer Survey was conducted in April, 2006 concerning the IHSS recipients who were initially assessed or reassessed in January, 2006 using the proposed Hourly Task Guidelines. Over 200 of the Consumers sent back responses from the approximately 1200 assessed Consumers. Copies of the Consumer Surveys were made available to the stakeholders during the past two weeks. I personally reviewed 95 of the surveys and did not have time to evaluate the balance of surveys, which were just made available this week. The surveys reviewed gave very important information regarding their response to the actual number of hours granted. More time is required to accurately assimilate the Consumer Surveys.

Request for Regulations to Require Periodic Consumer Surveys.

To make it possible to comply with the implementation of SB 1104 and the Quality Assurance Initiatives, the regulations should be modified to include a requirement that periodic consumer surveys should be initiated by the Department Of Social Services. Also, it would be important to have a survey completed by January, 2007 which would report on the progress being made with the new Hourly Task Guidelines. The Information from the Survey would be made available for the Assembly Budget Committee meeting which has been scheduled for February, 2007. The results of the surveys will be extremely important to the consumers and the Department Of Social Services management personnel in the implementation of the Quality Assurance initiatives.” (IHSS-PAM)

Response:

Although CDSS agrees that conducting surveys is a useful tool to assess consumers’ (recipients’) perspective about the services they receive which could be used to determine how to improve the delivery of services within the scope of the regulations, CDSS does not agree with the testifier’s comment that periodic surveys should be a regulatory requirement at this time. CDSS will specifically address post-implementation follow-up activities regarding the impact of the proposed hourly task guidelines after consideration of input from all stakeholders and appropriate evaluation of administrative functions and staff time needed to perform this task. For these reasons no changes to the proposed regulations were made as a result of this testimony.